

REMARKS

Applicants would like to thank the Examiner for the detailed Official Action provided, for the acknowledgement that the drawings filed on May 12, 2005 are accepted, and for the acknowledgment of Applicants' Claim of Priority and Receipt of the certified copy of the priority documents in the Official Action.

Applicants additionally wish to thank the Examiner for considering the materials cited in the Information Disclosure Statements filed in the present application on August 11, 2005, by the return of the signed and initialed PTO-1449 Form attached to the above-noted Information Disclosure Statement.

Upon entry of the present paper, none of the pending claims will have been amended. Claims 1-14 are pending for consideration by the Examiner. Applicants respectfully request reconsideration and withdrawal of the outstanding rejection of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate.

Anticipation and Obviousness Rejections under 35 USC §102(e)/103(a)

The Examiner has rejected claims 1, 2 and 4-11 under 35 USC §102(e) as being anticipated by CHAN et al., (U.S. 2004/0177458). The Examiner has also rejected claims 13 and 14 as being anticipated by KWONG (U.S. Pat. No. 7,150,061). The Examiner has further rejected claims 3 and 12 under 35 USC §103(a) as being unpatentable over CHAN in view of KWONG. Applicants respectfully traverse the rejections and request withdrawal of the rejections in view of the following remarks.

It is respectfully asserted that neither CHAN's, nor KWONG's, §102(e) priority dates effectively antedate the priority date of the present application and therefore, the references are

inappropriate for purposes of an anticipation rejection under 35 USC §102(e) and an obviousness rejection under 35 USC §103(a) using the same references.

According to MPEP §706.02(b), a rejection based on §102(e) can be overcome by perfecting a claim to priority under 35 U.S.C. §119(a)-(d). Section §706.02(b) also states that the foreign priority filing date must antedate the §102(e) reference and be perfected. Section §706.02(b) further states that to be perfected, the applicant must have filed a certified priority document and an English translation.

In this regard, §102(e) requires that the invention be described in 1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or 2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent. Thus, in the instant case the CHAN reference has a §102(e) priority date of March 10, 2003 (as seen on the front cover of CHAN), and KWONG has a §102(e) priority date of October 21, 2003 (as seen on the front cover of the KWONG).

The present application is a National Stage Application of PCT application JP2003/14406 that has complied with the requirements under 35 U.S.C. §371(c), and further claims priority pursuant to §119 and §365 based upon foreign international application, JP 2002-330057, filed November 13, 2002 (*i.e.*, the priority date of the corresponding PCT application). The "Claim of Priority" to JP 2002-330057 can be found at least in PAIR under the "Certified Copy of Foreign Priority Application," and a copy of the same is also attached for the Examiner's convenience. Further, Applicants have also provided a copy of the certified priority document, which can also be found at least in PAIR under the "Certified Copy of Foreign

Priority Application.” A copy of the front page of the certified priority document is attached for the Examiner’s convenience, as well.

Further, and in accordance with §706.02(b), Applicants are herein providing an English translation of the certified priority document, along with a verification that the translation is true and correct. The English translation and verification is also attached for the Examiner’s review.

Thus, at least because Applicants have met the requirements of overcoming a §102(e) rejection according to MPEP §706.02(b), Applicants respectfully assert that the anticipation rejections (and obviousness rejections) of the pending claims are improper and should be withdrawn. More specifically, at least because 1) the priority date of the present application, *i.e.*, November 13, 2002, antedates the §102(e) priority dates of both CHAN and KWONG (*i.e.*, March 10, 2003, and October 21, 2003, respectively), 2) Applicants have filed a claim of priority to the filing date of JP2002-30057, and 3) Applicants have perfected the claim of priority by a) providing a copy of the certified priority document, and b) providing a verified English language translation, Applicants assert that all of the outstanding rejections be withdrawn.

Therefore, because CHAN and KWONG fail to effectively antedate the priority date of the present application, CHAN and KWONG are barred from being used as a §102(e) reference against the present application. Thus, the outstanding rejections under §102(e) and §103(a) in view of CHAN and KWONG are moot and withdrawal of the rejections is respectfully requested.

Thus, for each of the above-noted reasons and certainly for all of the above-noted reasons, it is respectfully asserted that the Examiner’s rejections are inappropriate and improper. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections together with an action indicating the allowability of all the claims

pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

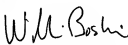
SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they has now done so. In particular, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect, in due course.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Attachments: Claim of Priority document (copy)
Certified Priority document (copy)
Certified English Language Translation of priority document (copy)

December 10, 2008
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